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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 KIRK D. WINGO,)

10 Petitioner,)

11 vs.)

12 ISIDRIO BACA, *et al.*,)

13 Respondents.)
14 _____/

3:13-cv-00443-HDM-VPC

ORDER

15 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254,
16 by a Nevada state prisoner.

17 Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the
18 information regarding petitioner's financial status, the Court finds that the motion to proceed *in*
19 *forma pauperis* should be granted.

20 The petition shall now be filed and served on respondents. A petition for federal habeas
21 corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include
22 such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that
23 claim. *See* 28 U.S.C. §2254(b) (successive petitions).

24 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF
25 No. 1) is **GRANTED**.
26

1 **IT IS FURTHER ORDERED** that the Clerk shall **FILE and ELECTRONICALLY**
2 **SERVE** the petition (ECF No. 1-1) upon the respondents.

3 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from entry of
4 this order within which to answer, or otherwise respond to, the petition. In their answer or other
5 response, respondents shall address all claims presented in the petition. Respondents shall raise all
6 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
7 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
8 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
9 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have
10 **forty-five (45) days** from the date of service of the answer to file a reply.

11 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
12 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
13 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
14 Division of the Clerk of Court.

15 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
16 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
17 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
18 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
19 General. The Court may disregard any paper that does not include a certificate of service. After
20 respondents appear in this action, petitioner shall make such service upon the particular Deputy
21 Attorney General assigned to the case.

22 Dated this 22nd day of August, 2013.

23
24 *Howard D. McKibben*

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UNITED STATES DISTRICT JUDGE